

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE: *EX PARTE* APPLICATION OF
LAURA ZÚNIGA CÁCERES, BERTHA
ZÚNIGA CÁCERES, AND SALVADOR
ZÚNIGA CÁCERES FOR ASSISTANCE
BEFORE A FOREIGN TRIBUNAL

CASE NO.: 1:19-mc-00405-LG-RHW

**MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF *EX PARTE* APPLICATION
OF LAURA ZÚNIGA CÁCERES, BERTHA ZÚNIGA CÁCERES, AND SALVADOR
ZÚNIGA CÁCERES FOR DISCOVERY FOR USE IN A FOREIGN TRIBUNAL
PURSUANT TO 28 U.S.C. § 1782**

Applicants Laura Yolanda Zúniga Cáceres, Bertha Isabel Zúniga Cáceres, and Salvador Edgardo Zúniga Cáceres, by their undersigned counsel, hereby seek the Court’s leave to file a reply in further support of their *Ex Parte* Application for Discovery for Use in a Foreign Tribunal Pursuant to 28 U.S.C. § 1782 (the “Application”). Dkt. Nos. 1, 2 & 4.

On July 17, 2019, Applicants filed the Application seeking leave to serve a subpoena on Hancock Whitney Bank for documents related to a real estate purchase by David Castillo (“Castillo”) that could prove highly relevant in the pending criminal trial against Castillo in Honduras for the murder of Applicants’ mother. Dkt. Nos. 1, 2 & 4. On August 5, 2019, Tanya Romero-Baca, Castillo’s wife, filed a Notice of Appearance and Request to Be Heard Re *Ex Parte* Application of Laura Zúniga Cáceres, Bertha Zúniga Cáceres, and Salvador Zúniga Cáceres for Discovery for Use in a Foreign Tribunal Pursuant to 28 U.S.C. § 1782. Dkt. No. 12. On August 16, 2019, the Court granted Ms. Romero-Baca’s request, setting a deadline of August 23, 2109 for Ms. Romero-Baca to file a response to the Application, and the issue of a reply brief was not raised. Dkt. 16. Thereafter, on August 23, 2019, Ms. Romero-Baca filed a lengthy Response in Opposition to the Application (the “Opposition”). Dkt. No. 17.

In light of the foregoing, Applicants seek the Court's leave to file a reply in further support of the Application and to address the arguments raised in the Opposition (a draft of the proposed reply is annexed hereto as Exhibit A). Applicants respectfully submit that consideration of their reply would be in the interest of justice and of assistance to the Court in light of both the arcane nature of Section 1782 proceedings and the importance of this matter to Applicants.

Due to the unique procedural nature of Applicants' *ex parte* Application and Ms. Romero-Baca's court-approved Opposition, counsel for Applicants inadvertently failed to recognize the potential applicability of timing limitations under L.U.Civ.R. 7(b)(4) to Applicants' proposed reply in further support of their Application. Applicants apologize for any inconvenience to the Court and request that, should the Court deem the proposed reply untimely, the Court nevertheless grant the motion and consider Applicants' proposed reply in the interest of justice.

Applicants' request is based on this Motion, the accompanying Proposed Reply Memorandum of Points and Authorities, attached hereto as **Exhibit A**, the entire record in this case, and such other evidence and argument as the Court may allow.

Dated: September 16, 2019

Respectfully submitted,

By: /s/ Amelia S. McGowan
Amelia S. McGowan

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